

United States District Court
Eastern District of California

Harvey Eugene Larson,

Plaintiff, No. Civ. S 05-0007 GEB PAN P

vs. Findings and Recommendations

Governor Arnold Schwartzenegger,

Defendant.

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April 13, 2005, the court dismissed plaintiff's complaint with 60 days leave to amend. Plaintiff did not amend and August 24, 2005, the court directed plaintiff to file an amended complaint within 10 days on pain of dismissal of this action without prejudice. Plaintiff still has not filed an amended complaint.

Accordingly, the court hereby recommends that this action be dismissed without prejudice. Local Rule 11-110; Fed. R. Civ. P. 41(b).

1 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
2 findings and recommendations are submitted to the United States
3 District Judge assigned to this case. Written objections may be
4 filed within 20 days of service of these findings and
5 recommendations. The document should be captioned "Objections to
6 Magistrate Judge's Findings and Recommendations." The district
7 judge may accept, reject, or modify these findings and
8 recommendations in whole or in part.

9 Dated: November 22, 2005.

10 /s/ Peter A. Nowinski
11 PETER A. NOWINSKI
12 Magistrate Judge
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